

25,424/17-oz. packages, more or less, of an article labeled in part:

"Southern Cocoanut Cake Ready to Serve No Baking * * * Frozen Foods Division of Southern Bakeries, General Offices, Atlanta, Georgia." (Packed under Codes "H 15," "H 16," and "H 17".);

20,652/12-oz. packages, more or less, of an article labeled in part:

"Southern Caramel Cake Ready to Serve No baking * * * Frozen Foods Division of Southern Bakeries, General Offices, Atlanta, Georgia." (Packed under Codes "H 22," and "H 23".); and

17,360/18-oz. packages, more or less, of an article labeled in part:

"Southern Chocolate Cake Ready to Serve No baking * * * Frozen Foods Division of Southern Bakeries, General Offices, Atlanta, Georgia." (Packed under Codes "H 17" and "H 18".);

(c) causing any food after its shipment in interstate commerce to be held or processed at defendants' plant at 375 Highland Avenue, N.E., Atlanta, Ga., under insanitary conditions whereby such food may become contaminated with filth; and

(d) introducing or causing to be introduced and delivering or causing to be delivered for introduction into interstate commerce, foods consisting of cakes and other bakery products prepared, packed, and held at defendants' plant at 375 Highland Avenue, N.E., Atlanta, Ga., unless and until:

(i) the plant is thoroughly cleaned and rendered suitable for use in connection with the preparation, packing, and holding of foods for human consumption, to wit, unless and until all rodent and insect filth is removed from said plant, and the equipment used in the preparation, packing, and storing of said foods is cleaned and made suitable for use in the preparation, packing, and storage of foods for human consumption; all rodent and insect infestation in said plant is eliminated; the means of ingress and egress by rodents and insects are eliminated, and any similar insanitary conditions which may result in the contamination of foods for human consumption while prepared, packed, and held in said plant are eliminated;

(ii) all of the foods on hand at said plant at the time said plant is cleaned, and rendered suitable for the preparation, packing, and storage of food for human consumption are destroyed, denatured for use as animal feed, or cleaned, segregated, or otherwise reconditioned under the supervision of a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, and all expenses of such supervision are paid by the defendants at the rate of \$6 per hour or part thereof per representative for the supervision, \$7 per hour or part thereof per person for laboratory and analytical work, and \$12 per day per person for subsistence expenses; and

(iii) an inspection is made of said plant by a duly authorized representative of the Food and Drug Administration, Department of Health, Education, and Welfare, all expenses of such inspection are paid by the defendants at the rates described in subparagraph (ii) above, and a report made to the court which shows that the above-described or any similar insanitary conditions no longer exist, and that the foods for human consumption described in subparagraph (ii) above have been destroyed, denatured, or brought into compliance with the law, as provided in said subparagraph (ii).

29008. Fruitcake. (F.D.C. No. 48636. S. No. 41-577 V.)

QUANTITY: 17 cases, each containing 12 2-lb. cans, at Bronx, N.Y.

SHIPPED: 11-30-62, from Newark, N.J., by Affiliated Bakers Corp.

LABEL IN PART: (Can) "Nectar Rum and Brandy Flavored Fruit Cake * * * Nuts * * * Pure and Artificial Flavors, Sodium Propionate * * * Nectar Foods, Inc., Newark, N.J."

RESULTS OF INVESTIGATION: Examination showed that the "nuts" as listed in the ingredient statement were not present. Organoleptic examination revealed no rum or brandy flavor. The mandatory information was in part inconspicuous due to the fact that the label was placed partly under the can lid, thereby concealing the manufacturer's name and address, quantity of contents statement, and list of ingredients.

LIBELED: On or about 2-19-63, S. Dist. N.Y.

CHARGE: 403(a)—when shipped, the label statements "Rum and Brandy Flavored" and "Nuts" were false and misleading; and 403(f)—the information required to appear on the label under sections 403(e) (1) and (2), 403(i) (2), and 403(k), namely, the name and address of the manufacturer, packer, or distributor; the quantity of contents statement; the common or usual name of each ingredient; and the declaration of artificial flavoring and a chemical preservative, was not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices in the labeling) as to render it likely to be read by the ordinary individual under customary conditions of purchase and use.

DISPOSITION: 3-28-63. Default—destruction.

29009. Chocolate-flavored wafers. (F.D.C. No. 49025. S. No. 15-381 X.)

QUANTITY: 6 ctns., each containing 48 8-oz. pkgs., at Cincinnati, Ohio.

SHIPPED: 5-14-62, from Evansville, Ind.

LIBELED: 7-5-63, S. Dist. Ohio.

CHARGE: 402(a) (3)—contained insects, insect larvae, and insect parts while held for sale.

DISPOSITION: 9-10-63. Default—destruction.

29010. Creme wafer sticks. (F.D.C. No. 48262. S. No. 12-127 V.)

QUANTITY: 35 cases, of 12 boxes each, at Chicago, Ill.

SHIPPED: 9-17-62, from Grand Rapids, Mich., by Holland-American Wafer Co.

LABEL IN PART: (Box) "Dutch Twins Creme Wafer Sticks * * * Net Weight 12 Ounces Holland-American Wafer Company Grand Rapids, Michigan."

RESULTS OF INVESTIGATION: Examination showed the article to be short weight.

LIBELED: 10-29-62, N. Dist. Ill.

CHARGE: 403(e) (2)—the article failed to bear a label containing an accurate statement of the quantity of contents when shipped.

DISPOSITION: 11-21-62. Default—destruction.

29011. French bread. (F.D.C. No. 47088. S. No. 48-881 T.)

INFORMATION FILED: 11-9-62, Dist. Nev., against Francis A. Toscani, t/a Franco American Baking Co., Reno, Nev.

SHIPPED: 11-17-61, from Nevada to California.

LABEL IN PART: "Franco American Baking Co. French Bread Genuine Sour Reno, Nevada Standard Loaf Min. Wt. 16 oz."